

Massachusetts }
District, ss. }

The President of the United States of America

To the MARSHAL of our District of MASSACHUSETTS, or his Deputy.....GREETING.

WE command you to attach the goods or estate of *Thomas Smallwood*
of *Newton* in the County of *Middlesex* and
District aforesaid, *Cabinet maker*
~~etc~~

in our District of Massachusetts,

to the value of *Two thousand* dollars,

and for want thereof, to take the body of the said *Smallwood*
(if he may be found in your District) and *him* safely keep, so that you have *him*
before our Judges of our Circuit Court of said United States for the first Circuit, next to
be holden at *Boston*, within and for our said District of Massachusetts, on the *first* day

of *May* next : Then and there, in our said Court, to answer unto

Samuel H. Bean of Philadelphia in the State of Pa-
sylvania, Gentleman,

In a plea of Trespass on the case, For that the said
Bean was the original and first inventor of a new
and useful improvement in the Rocking Chair, on the latter
patent hereinafter fully described, and which was not
known or used before his said invention, and which was
not at the time of his application for a patent as herein-
after mentioned in public use or on sale with his Con-
sent or allowance, and said *Bean* being so as aforesaid
the inventor thereof, and being also a citizen of the United
States, on the thirty first day of March in the year
of Our Lord Eighteen hundred and forty, upon due
application therefor, did obtain certain letters patent

under the seal of the
well knowing the premises, but contriving to injure the
plaintiff did on the first day of May in the year
Eighteen hundred and forty and at divers times before
and afterwards during the said term of fourteen years
mentioned in said letters patent, ~~at Boston in the County of~~ to wit at
said *Boston* unlawfully & wrongfully, & without the con-
sent or allowance of said *Bean*, make, use, and vend
to others to be used the said improvement ^{to wit one thousand rocking chairs, in imitation of}
and infringement of the exclusive right so secured

to the said Bean by said other persons, and
to the form of the Statute of the United States in
such case made and provided, whereby the
said Bean has been greatly injured and de-
prived of great profits & advantages which he
might and otherwise would have derived from
said invention; and has sustained actual damage
to the amount of one thousand dollars, & by
force of the Statute aforesaid an action has accrued
to him to recover the said actual damage, and such
additional amount, not exceeding in the whole
three times the amount of such actual damages,
as the Court may see fit to order & adjudge;

To the damage of the said *Bean*
as he say, the sum of *Two thousand* dollars, which shall then
and there be made to appear, with other due damages. And have you there this writ,
with your doings therein. Witness, the Hon. *Roger B. Tarr*,
at Boston, the *Seventeenth* day of *April* in the year of our
Lord, one thousand eight hundred and *forty two*

Francis Bennett CLERK.

Am. A. U. S. Map Dis Sect. 7. 1843

Dean vs Mallwood

The subscribers severally certify
that we have transcribed the
number of miles, & attended
the number of days set agst.
our respective names, as
certificates for the 3^d Dept.

	miles	days
R. H. Eddy	1 —	1 —
Joseph M. Wintour	1 —	1
George F. Hall	13 —	1
N. B. Chamberlain	1 —	1 —
Oris Tufts	1 —	1

Circuit Court U. S. May 7. 1842

Haf. 105

Near vs Smallwood.

additional specification

The said Deft adds to his former
specification a reference to Vol. 32. pg.
105 & 108 & plate 8. of the Transactions of the
London Society of arts for the year 1844.

C. P. & B. 12 Curtis & Bowditch
for Deft.

Dean
2

Smallwood

Additional Spec²₂

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the MARSHAL of our District of Massachusetts,

or either of his Deputies,

GREETING:

Whereas Thomas Smallwood of Newton
in said District, Cabinet Maker

by the consideration of our Judge of our Circuit Court, begun &
held at Boston for and within our District of Massachusetts
aforesaid, on the fifteenth day of October
A. D. 1843 recovered judgment against Samuel H. Bean
of Philadelphia in the State of Pennsylvania,
Gentleman,

for the sum of Sixty two Dollars of forty four
Cents

~~debt or damage, and~~

costs of suit, as to us appears of record, whereof execution remains to be
done :

WE command you, therefore, that of the goods, chattels, or lands of the
said Bean

within your District, you cause to be paid and satisfied unto the said
Smallwood

at the value thereof in money, the aforesaid sums being Sixty two
Dollars of forty four cents

together with ~~dollar and~~ twenty five cents more
for this writ

and thereof also to satisfy yourself for your own fees : and for want of goods,
chattels or lands of the said Bean

to be by him shewn unto you, or found
within your District, to the acceptance of the said Smallwood

to satisfy the sums aforesaid,

We command you to take the body of the said Bean
and him commit unto

either of our gaols in our District of Massachusetts

aforesaid, and detain in your custody within
either of our said gaols, until he pay the full sums above mentioned, with

your fees, or that he be discharged by the said Smallwood
the creditor, or otherwise

by order of law.

HEREOF FAIL NOT, and make return of this writ, with your doings
therein, into our said Court, to be held at Boston within
our District of Massachusetts aforesaid, upon the fifteenth day
of May next.

Witness, Roger B. Tane Esquire, at Boston, the
fifteenth day of April in the year of our
Lord one thousand eight hundred and forty four

James Barrett Clerk.

End

Printed by Oliver
No. 1044

Circuit Court of the United States of America
Massachusetts.

Samuel H. Bean

vs

Thos Smallwood

And now the said Smallwood
pursuant to the act of Congress in such
case made & provided files the
following specification of those
matters & things to be relied on
by him in his defense, which ~~he~~^{he}
by law required to give notice.

1st That the thing patented &
each substantial & material part
thereof was not new at the time
of the issuing of the said letters
patent to the said Bean, the
same or some substantial &

material part thereof having
been described in a printed
publication called the London
Journal of Arts vol. 13. pp. 117
published in the year 1827. Also
in the London Journal of Arts
vol. 7. Conjoined Series page 111
& vol. 14 page 147. & the same in
some substantial & material
part thereof being known to &
used by Samuel Simmons ^{late} of
Baltimore, Maryland, in the
year 1819 & described in his
letters patent bearing date
December 19. 1819 & by N. B. Chamber-
lain & Joseph Wrightman of Boston
and by ~~the~~ ^{the} ~~the~~ ^{the} of Boston as
early as the year 1818 & by Timothy
Claxton late of Boston & Solomon P.
Miles of Boston as early as the year

1830. to Thomas P. Jones of Washington
in the District of Columbia as
early as the year 1804; to Charles
Carter of Boston as early as the
year 1836, to John & James Williams,
of Baltimore Maryland as early
as the year 1827, & the same or some
substantial & material part thereof had been
known & used as aforesaid in all the places
known & used as aforesaid in all the places
aforesaid C. P. & D. R. Curtis & Bowditch
for Depts.

Dear
as

Unaltered

Specimen of reference

May 24 1842. (New)

UNITED STATES OF AMERICA.

Massachusetts } The President of the United States of America,
District, ss. } To the MARSHAL of the District of Massachusetts or either of his Deputies,
GREETING.

YOU are hereby required to summon *Charles Carter of Boston*
in the county of Middlesex, in said district Gentleman
Nathan B. Chamberlain, Joseph Whightman, Philosophi-
cal Instrument makers, Otis Tufts Machinist, Charles
Carter, ~~Charles Carter~~, all of Boston, county of Suffolk,
district aforesaid and Charles Carter of Malden in
said county of Middlesex Gentleman.

if they may be found in your District, to appear before the Judges of our Circuit
Court of the United States, to be holden at *Boston*, within and for the District of
Massachusetts on the *twenty third* day of *October*
at *ten* o'clock in the forenoon of the same day, in *their* proper persons
to testify and give evidence of what they know relating to a certain cause now
depending undetermined in said Court, in which

Samuel H. Bean, of Philadelphia, in the Eastern
District of Pennsylvania, in the said United States
of America against *is plaintiff*
Thomas Smallwood of Newton, in the county of
Middlesex in said district of Massachusetts, chain
maker defendant
then and there to be heard and tried between them; and warn the said *Carter,*
Chamberlain, Whightman, Tufts

that for default and non-appearance they will have to abide the pains and penalties of
the law in that behalf made and provided.

HEREOF FAIL NOT, and make due return of this writ, with your doings there-
on, unto our said Court, as soon after the service thereof as may be.

Witness, the Honorable *Roger B. Taney*
at *Boston*, aforesaid, the *twenty first* day of *October*
in the year of our Lord, one thousand eight hundred and forty three

James Bennett

Clerk.

United States of America
Massachusetts Dist. Ct.

Boston October 21, 1843

Pursuant hereto I have
summoned the within named. Carter, Chamberlain,
Wrightman and Tufts by giving to each in hand a
true and attested copy of this summons, to appear
as herein directed, respectively, also paid said Witnesses
one dollar and a quarter for one days attendance, also
paid Carter traveling fees one dollar,

Henry Harris
U.S. Deputy Marshal,

4 services	\$ 2.00
4 Copy	" 2.00
travel	3.50
Carter	2.25
Chamberlain	1.25
Tufts	1.25
Wrightman	1.25
Witnesses	6.00
	<hr/> 13.50

Justice of
D. C. Summons

14.
J. H. Dean
J. H. Hallwood

Circuit Court Re. S. Map. Dist. Oct. 7. 1843

Samuel Bean vs Tho^s Smallwood.

1842

May T. ~~Bank~~ + + + ~~4.75~~

Travel - - - .66

Att. - 23 ds - - 7.59

Con - - - 20

Oct T. Travel - - - .66

Att. 24 ds - - - 7.92

Con. - - - 20

1843

May T. - Trav. - - - .66

Att. 14 ds. - - - 4.62

Con - - - 20

Oct T. Trav. - - - .66

Att. - - 8 ds 2.64.

Attys fee - - 2.50

for writ fee 10.00

Marshal fee for
sum J. witnesses - 13.50

Trav. & att. of witnesses 6.93.

Recording filing &c - 3.50

62.84

Edw. Lewis Bennett, clk

Depos. List